

Chairperson John R. Clark
Vice-Chairperson Michael Parks
Parliamentarian Don Maxwell



Commissioners
Michael Beckendorf
John Bond
Helen Chavarria
Ralph Davila
Robert Horton
G.H. Jones

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, APRIL 17, 2008
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Clark called the regular meeting to order at 6:02 p.m.

Commissioners	Present	2008 Regular Meetings Held	2008 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	Yes	8	6	11	8
Johnny Bond	Yes	8	8	11	11
Helen Chavarria*	Yes	8	7	11	7
John R. Clark	Yes	8	8	11	11
Ralph Davila	Yes	8	8	11	11
Robert Horton	Yes	8	6	11	9
G.H. Jones	Yes	8	8	11	10
Don Maxwell	Yes	8	6	11	9
Michael Parks	No	8	5	11	8

*appointed in January 2008

2. HEAR CITIZENS

Bryan City Councilmember Michael Southerland came forward to ask Commissioners for input in regards to the City's new Capital Improvement Program. He stated that he could be contacted via email at msoutherland@bryantx.gov.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

No affidavits were filed.

4. CONSENT AGENDA.

A. Approval of minutes from the March 20, 2008 and April 3, 2008 meetings.

Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

5. Administrative Appeal AA08-01: Buckey Lee Turk, Jr.

R. Haynes

An appeal of the Site Development Review Committee's decision to deny off-street parking spaces to extend into public right-of-way for South Texas Avenue, specifically in front of property located at 3828 South Texas Avenue, occupying Lot 2 in Block 1 of North Oakwood Subdivision in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that on March 1, 2007 the Planning and Zoning Commission a variance to allow head-in parking at the subject address. Head-in parking allows vehicles to back directly into a public street, but requires the parking space to be fully contained on private property. Upon granting the variance, Commissioners emphasized that the applicant would have to complete the site review process by obtaining approval from the Site Development Review Committee (SDRC). After the SDRC received an accurate survey drawing of the property, it became evident that providing parking in front of the building on the property was not possible in accordance with development regulations, due to the limited space available. The applicant appealed the SDRC's decision to deny the proposed parking area design to the Planning and Zoning Commission.

Staff recommends denying the appeal based on the following findings:

- The Texas Department of Transportation's Bryan area office (TxDOT), a member of the SDRC, has responded to the applicant's site plan that no parking will be allowed within its right-of-way (ROW). An agreement approved by the city council and signed by Mayor Watson June 11, 2002, obligates the City of Bryan to follow TxDOT guidelines with respect to state roadways within the city limits.
- The access and off street parking segment of the Land and Site Development Ordinance specifies a minimum of 22.3 feet be provided to accommodate a 60 degree parking space. The applicant's property only has 18 feet available.
- The portion of Texas Avenue near the applicant's property is already a dangerous area and allowing vehicles to back out onto Texas Avenue will only exasperate the problem.

- The applicant's ADA accessible parking space and route into the building does not comply with design standards.
- Proposed parking arrangement would be detrimental to Texas Avenue streetscaping.
- Adequate space exists at the rear of the lot to meet the parking needs of the business.

Mr. Bob Appleton, of TxDOT, came forward. He stated that TxDOT considers vehicles parked in their ROW to be an encroachment. When encroachments are discovered, TxDOT either removes the encroachment or enters into a lease agreement with property owner allowing the encroachment. He stated that Texas Avenue is too high speed a facility to allow vehicles to park in the ROW and back out into the road.

Commissioner Davila asked Mr. Appleton if not allowing the encroachment is a state law. He stated that it is.

Chairperson Clark asked if TxDOT is made aware of all new developments along a state roadway. Mr. Appleton stated that they are.

The public hearing was opened.

Mr. Buckey Turk, 11 Raven Drive, Bryan, Texas, appellant, came forward to speak in favor of the request. Mr. Turk commented that despite city staff's claims, no traffic accidents along Texas Avenue were reported in front of his property. Mr. Turk stated that the submitted site plan asked for a shorter than allowed parking spaces to allow parking to be out of the ROW.

Commissioner Maxwell asked how long the parking spaces are in the site plan. Mr. Turk stated that they are 20.55 feet.

Mr. Haynes stated the engineer's drawing showed that an 18 foot car would fit in the proposed parking spaces.

Commissioner Horton asked if a subcompact car could fit in the proposed parking spaces. Mr. Haynes commented that it could.

Commissioner Davila stated that the engineer's drawing does not include any parking going into the ROW. Mr. Haynes stated that that is correct.

Commissioner Maxwell asked if most handicapped vehicles are oversized. Mr. Haynes stated that the length of a handicap-capable vehicle is the same as a non-handicap-capable vehicle.

Commissioner Beckendorf asked Mr. Appleton what type of enforcement mechanisms TxDOT has used on the subject property. Mr. Appleton commented that TxDOT is not an enforcement agency and depends on the City for enforcement.

Mr. Turk came forward and commented that handicapped parking should be allowed in the front of the building so as to maximize safety for his handicapped customers. He also stated if the parking spaces in the front of his building were removed, people would still try to park there thereby creating a dangerous situation along Texas Avenue.

Commissioner Davila asked staff, if the Commission does not uphold the SDRC's decision, could it grant parking in the ROW. Mr. Haynes commented that the Commission does not have that power. Mr. Haynes stated that if the parking denied, a curb would be built along Texas Avenue and a sidewalk would be installed.

Commissioner Bond asked where the curb would go. Mr. Haynes commented that it would go along Texas Avenue.

Commissioner Beckendorf asked if the Commission could give Mr. Turk one space for handicapped parking in the front of his property. Mr. Haynes commented that Mr. Turk has not submitted a site plan for that arrangement.

Commissioner Bond stated that the site plan which has been presented does not have parking in the ROW. He asked how the Commission can deny the plan if the parking is not in the ROW. Mr. Haynes commented that even though the drawing shows parking available, functionally, vehicles would have a difficult time fitting in the proposed spaces.

Commissioner Davila asked if the Commission is being asked to deny the proposed parking plan. Mr. Haynes stated the plan has already been denied by the SDRC.

Commissioner Maxwell stated that the Commission is not voting on the parking plan but on the posted agenda item.

Chairperson Clark asked if there is an appeal process if the Planning and Zoning Commission denies the request. Mr. Michael Gary, Assistant City Attorney, commented that he was unaware of the appeals process.

Ms. Kim Kasey, 2215 Puma Drive, Bryan, Texas came forward to speak in favor of the SDRC's decision. She commented that backing out onto Texas Avenue is not safe.

Mr. Gary stated that whether or not Mr. Turk's customers should be able to back out onto Texas Avenue is beyond the Commission's standard of review.

Mr. Turk came forward and stated that the site plan does not show parking in the TxDOT ROW. He also stated that it would not be possible to provide handicapped access to the back of the building without major structural changes to the building.

Mr. Art Kling, 300 Greenwood Drive, Bryan, Texas came forward and stated that the SDRC was in error to deny the site plan because the site plan does not show parking in the ROW.

Mr. Kevin Russell, Director of Development Services, came forward and stated that postponing the item to a later date is an option for the Commission.

The public hearing was closed.

Commissioner Davila moved to postpone Administrative Appeal AA08-01 until the May 22, 2008 regular P&Z meeting. Commissioner Horton seconded the motion.

Chairperson Clark asked if there was any discussion.

Chairperson Clark and Commissioner Chavarria commented that they were happy the item will be postponed.

Commissioner Beckendorf commented on his concern of whether clarity in this case will be established by May 22, 2008.

The motion passed with six (6) in favor and two (2) in opposition. Commissioners Beckendorf and Maxwell cast the votes in opposition.

6. ADJOURN

Without objection, Chairperson Clark adjourned the regular meeting at 7:31 p.m.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on this the 8th day of **May, 2008**.

John R. Clark, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission